

## BOARD OF SELECTMEN

March 12, 2013

### Minutes

The Board of Selectmen met on Tuesday, March 12, 2013 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Peter Scavongelli, John Gorecki, John D. Williams, Timothy F. Hult and Douglas A. G. Stevenson. Town Administrator Timothy D. Goddard was also present.

Mr. Gorecki said Mr. Scavongelli would be late and therefore he will chair tonight's meeting.

#### **Town Administrator's Report**

1 Mr. Goddard said the Carlisle School Committee has previously reviewed and recommended to the Board Change Order #019 with H.V. Collins Co., Inc., the general contractor for the Carlisle School Building Project. The amount of the change order was \$54,349.00.

On a motion made by Mr. Williams and seconded by Mr. Stevenson it was **VOTED** that upon the recommendation of the School Building Committee, the Board of Selectmen approve the amendment to the contract with H.V. Collins Co., Inc. in the amount of \$54,349.00 as specified in the attached Change Order #019 as prepared by HMFH Architects.

In reply to Mr. Gorecki, Mr. Goddard said he was not sure of the exact amount that remains in the contingency account. Mr. Stevenson said that amount was approximately \$300,000.00. Mr. Stevenson said he was aware of one more change order that may come before the Board.

2 Mr. Goddard said because the project at the Carlisle Public School has gone on longer than anticipated, HMFH [Architects] has asked for an extension of their contract. Attached for the Board to review and sign was Attachment F, Contract for Designer Services Amendment No. 6 in the amount of \$35,000.00.

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was **VOTED** to approve and sign the Amendment No. 6 presented 3/12/13 in the amount of \$35,000.00 for HMFH Architect services.

3 Mr. Goddard said the Ch. 61A Request for 776 East Street matter will be discussed at our next meeting.

4 Mr. Goddard said HMFH Architects have made a request to the School Building Committee for authorization from the Town to utilize the energy-related tax credits from the Carlisle Public School project. Mr. Goddard said as a tax-exempt organization the tax credits are of no use to the Town. He said with the Board's permission they can be assigned to the designer of the project. Mr. Goddard noted that the School Building Committee had no objections to this request. He added that before the meeting Mr. Gorecki suggested that we look into this matter further to find out what the Town's rights were in regard to assignment. The Board postponed action on this item.

5 Mr. Goddard said included in tonight's documents was a proposed insert to the tax bills regarding the Caroline Hill Scholarship Fund. Mr. Williams said at the last Investment Advisory Committee meeting there was a discussion on the Trust Funds. He said the committee made a few recommendations on these funds. One of the recommendations was to ask the public to give a donation to the Caroline Hill Trust Fund. Mr. Williams said that the Caroline Hill Fund is mostly used for Scholarships but has also been used for special needs and fuel assistance. He said presently the balance in this fund is approximately \$207,000.00. Mr. Williams said this would be an insert in the

real estate tax bills. Mr. Stevenson said we shouldn't have too many inserts in the tax bills. Mr. Gorecki said he supported the insert of this document. Mr. Hult said having this money available in the future is important.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to authorize the insert in the upcoming property tax bills, the Town of Carlisle Caroline E. Hill Fund document as presented this evening.

#### **Discussion: SuAsCo Watershed Association**

Nancy Bryant, Director of the SuAsCo Watershed Community Council and Lee Steppacher coordinator of the Wild & Scenic River Stewardship Council (RSC) were present tonight.

Lee said she works for the National Parks Service. She is the coordinator of the Stewardship Council and there are representatives on the Council from each of the eight scenic Towns. Lee noted that Steve Pearlman is Carlisle's representative on the Council. She said the Sudbury Valley Trustees are also members of the Council. The RSC is also involved in (CISMA) Cooperative Invasive Species Management Area. She explained that it is a watershed-wide group of 44 members that work together on invasive species management within the watershed. She said CISMA has applied for funds through the National Fish & Wildlife Foundation and is now working on two properties in Carlisle, which are Foss Farm and Ben's Woods, to manage and/or eradicate invasive species. Lee also spoke about the annual Wild & Scenic Rivers Riverfest which this year will occur on June 21<sup>st</sup> – 23<sup>rd</sup> this year.

Nancy Bryant gave a slide presentation on Stormwater. Nancy said the SuAsCo Watershed Stewardship Council is made up of 8 towns. Carlisle's representative on this Council is Peter Burn.

Nancy said stormwater consists of water; rain or snow that runs off land, into drains and connects to the closest stream, river, wetland or lake. She talked about how the water collects pollution and the affect this has on our fish, drinking water and recreation and wildlife.

Nancy talked about how it is important to manage stormwater. She said there are many ways that communities can work on the local level to decrease water pollutants. Nancy spoke about creating and enforcing local bylaws regarding stormwater. She said educating the community is very helpful. In regard to municipal services, Nancy talked about street sweeping and cleaning out catch basins to improve drainage.

Nancy spoke about future stormwater management. She said despite control of point sources, many water quality standards are not being met due to stormwater pollution. Nancy said we will have to continue stormwater management to improve water quality, decrease flooding, and increase recharge. Nancy added that it is important to have community support on this matter.

Mr. Stevenson asked about the Concord River and where it stands in regard to recreational use. Nancy said the phosphorus levels are very high in this river, however it is improving. She said the Concord River offers canoeing and motor-boating.

#### **Public Input re: Change to Appointed Town Clerk**

Mr. Gorecki said in the Collins Study of Town Hall there was a recommendation that the Town consider changing the Town Clerk's position from an elected to an appointed position. He said tonight is the second input session to assess this issue.

Marty Galligan from South Street said he was pleased with the 'elected' Town Clerk. He suggested staying with elected until the present Town Clerk retired and then make the change to an appointed Town Clerk. Mr. Gorecki pointed out that this issue has nothing to do with Charlene, it is about the position.

Sally Nauman from Lowell Street said the Town Clerk's position should be an elected position because she is primarily responsible for the people of the Town. She said the Town Clerk should be a person who lives in Town because she will know the Town and the people.

David Freedman from Hutchins Road spoke about the Collins Study Report. He said the Collins Center was asked to look at whether there were any offices that were elected that might be changed to appointed. He said the Steering Committee informed them that there was only one office that could be considered, and so he feels it was the Town who actually brought this issue forward. David added that in regard to the change from an elected to appointed, in 1998 Treasurer and Tax Collector Nancy and Bill Koerner were retiring and were not opposed to the change from elected to appointed. He said this is not the same situation.

Ken Harte from Estabrook Road said he preferred to keep the Town Clerk's position the way it is.

Heidi Harring from West Street read a letter from Carolyn Kiely of Hartwell Road who could not be present this evening (letter attached hereto). Ms. Kiely wanted the Board and those present to know that the Carlisle Townspeople are passionate about their ability to exercise their rights on all matters. Ms. Kiely indicated that the Town Clerk's position should remain an elected position. Ms. Harring said she strongly felt that this is a position that should be an elected position.

Cindy Nock from Canterbury Court said that she is a member of the League of Women Voters and she would like to suggest that the Board delay this action for one year. During that time they could look at the Town Charter and decide if there are any other things that they would like to change as well instead of doing one thing at a time.

The Board was in receipt of a letter from Roberta Lyman which Mr. Stevenson read aloud (attached hereto). Ms. Lyman stated her reasons why she supported having the Town Clerk's position remain as an elected position.

Mr. Stevenson said [in reply to Ms. Harring] the Board is looking at this matter now, when there is not a problem. He said many times the election turn-out is small and the wrong/or unqualified candidate could be elected. The concern is having a less qualified person for the job.

Sandy Savage from Rutland Street said she supported having an elected Town Clerk.

Marilyn Harte from Estabrook Road said she enjoys working with someone from Carlisle when she volunteers during elections and Town Meetings.

Mr. Gorecki asked if the position changes from elected to appointed, will it become more difficult to get volunteers involved.

Town Clerk, Charlene Hinton answered Mr. Gorecki's question. She said there are many amazing people in Carlisle who are willing to volunteer and she felt that we could count on these volunteers if the position was appointed or elected.

Mr. Gorecki said we have had two public input sessions on this matter and everyone who has come to provide public input has unanimously agreed that the Town Clerk's position should be an elected position. He said he feels that voting is important and people should be able to vote for their Town officials. Mr. Gorecki said he was inclined to take this article off the Town Warrant.

Mr. Williams said he agreed with him.

Mr. Stevenson said he could see that there were a number of people who supported Charlene and the election process. He added that he is supportive of placing this article on the Warrant based on the Collins Study discussion and the long term future benefits.

Mr. Hult said he personally thinks that an appointed Town Clerk would make better government, however in respect to everyone who has spoken tonight, he did not feel that there was a compelling need to put this Article on the Warrant.

#### **Annual Town Meeting Coordination Meeting #4**

##### **Close ATM Warrant**

Mr. Gorecki said the first part of this discussion will be on the budget and then the Board will continue on with the Warrant. Jerry Lerman, Chair of the Finance Committee was present for this discussion. Jerry said there have been two (2) changes since last week.

He said the Carlisle Public School and the Library have reduced the amount of their requests and the new amount for Long Term Capital Requirements Projects is \$233,000.00. Jerry said another change was relative to a request above guideline from the Fire Department. He said this was a part of step process Chief Flannery has taken to change the compensation structure for various people at the Fire Dept.

Jerry said in terms of the impact on the average tax rate, the change to the tax bill will be an increase of 4.47% and that is with the application of \$390,000 of Free Cash to offset some of the large increase in debt service.

Jerry said it is hard to predict what the tax rate will be next year, since the debt service will be half of what it is this year. Jerry said the three year program at the Fire Department is significant. He said next year we will have a substantial amount of Free Cash and we have the Stabilization Fund. He suggested using those two sources to apply to the debt service.

Mr. Hult said he had anticipated a tax increase with the two new schools in the amount of 6 or 7% plus the normal operating increases. He said he was hopeful that after two years we could move back to normal inflation. Jerry agreed with him.

Mr. Stevenson confirmed with Jerry that Free Cash is being used for some of the debt service, a few projects and the Stabilization Fund. Jerry said no Free Cash is being used for the operating budget. The goal of the Stabilization fund is to be 10 – 12% of the operating budget.

#### Warrant Discussion

Mr. Gorecki said we will go through the Warrant and make decisions on the articles. He said the Board will also close the Warrant for the 2013 Annual Town Meeting tonight. The first item they discussed was a petition article brought in by Leslie Thomas of Prospect St. and Judy Asarkof of River Rd. Leslie spoke about the petition article to establish an Agricultural Commission which would represent the agricultural/farming community, including hobby farming in Town. Mr. Gorecki asked Leslie what this commission could provide to the community. She said the Town has a lot of farms with animals and the commission would educate farmers about farming issues. She said local famers have already met three times to discuss many types of agriculture. Judy said this is a support system for each other.

Mr. Hult asked if the Mass. Department of Agricultural has published or commented on local Agricultural Commissions. He wanted to know if the notion of Agricultural Commissions is imbedded in some statute and if there are some regulations for this or is this simply advisory. He said he would like to see some information on this before Town Meeting.

Mr. Gorecki asked if there will be any requests for funding. Judy and Leslie both answered no.

In response to Mr. Scavongelli, Leslie said the language for the article presented tonight was drafted from similar articles from neighboring Towns. Mr. Gorecki said since this is a petition article, Town Counsel will not make any changes. There was a discussion about the language in the petition of the warrant article but it was decided that an adjustment could be made in the motion.

On a motion made by Mr. Hult and seconded by Mr. Stevenson it was unanimously **VOTED** to place Article 31, to establish an Agricultural Commission as defined on this document dated 3/12/13 on the Warrant.

The Board returned to the draft Warrant for the Annual Town Meeting. Mr. Gorecki began with the consent agenda. He said he will go through all of the articles and if there were any the Board would like to discuss; those articles would be set aside.

Article 1 Consent Agenda

Article 2 Town Reports

Article 3 Salaries of Elected Officials

Article 4 Revaluation

Article 5 Actuarial Valuation of Post-Employment Benefits

Article 6 Department Revolving Funds Authorization

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Approved: 4/9/13

Article 7 Real Estate Tax Exemption  
 Article 8 Fiscal Year 2014 Stabilization Account Transfer  
 Article 9 FY 2014 Chapter 90 Authorization  
 Article 10 Fiscal Year 2014 Free Cash Transfer to Stabilization Fund  
 Article 11 Concord-Carlisle Regional School District Supplemental FY13 Assessment\*\* This article was set aside for discussion.  
 Article 12 Fiscal Year 2013 Budget Transfers  
 Article 13 Transfers from Overlay Accounts \*\* The Board will discuss this one further  
 Article 14 Approve /Fund Collective Bargaining Agreements \*\* Further Discussion  
 Article 15 Fiscal Year 2014 Transfer of Free Cash to support Operating budget \*\* Further Discussion  
 Article 16 FY 14 Transfers from Ambulance Receipts  
 Article 17 Operating Budget  
 Article 18 Additional Appropriations for Professional Services  
 Article 19 Capital Equipment  
 Article 20 Library Septic System  
 Article 21 Police Dept. Records Management System  
 Article 22 Approve PEG Access Provider Contract Term  
 Article 23 *Change Town Clerk from Elected to Appointed* /The Board voted earlier in the meeting to remove this article from the warrant.  
 Article 24 CPA Annual Authorization \*\* This article will be discussed further.  
 Article 25 Elliott Preserve – Acquisition of Conservation Restriction  
 Article 26 General Bylaw Amendment re: Town Meetings  
 Article 27 General Bylaw Amendment re: Long Term Capital Requirements  
 Article 28 Zoning Bylaw Amendment – Section 5.6, Accessory Apartments  
 Article 29 Zoning Bylaw Amendment – Medicinal Marijuana Moratorium \*\*This article will be discussed further.  
 Article 30 Zoning Bylaw Amendment – Section 3.3, Business Uses \*\*  
 Article 31 Establish Agricultural Commission

On a motion made by Mr. Stevenson and seconded by Mr. Scavongelli, it was unanimously **VOTED** to include in the Annual Town Meeting Warrant for April 29, 2013 Articles 1 through 10, 12, 16 - 22, 25 -28, and 31 as presented in tonight's draft Warrant dated 3/12/2013.

The Board discussed Article 11, which was the Concord-Carlisle Regional School District Supplemental FY13 Assessment. Mr. Gorecki said this is related to the additional transportation costs at the high school. Mr. Goddard said he spoke with Louis Salemy and he said it is highly unlikely that this article would be moved in Concord because they believe this cost can be covered through their operating budget. The Board discussed this article and first thought they would keep it on the Warrant, but not move it. Mr. Stevenson suggested removing the article and if this cost is brought up again there was flexibility in Article 12 to cover it.

Article 13, Transfer from overlay accounts was discussed by the Board. Mr. Gorecki said the overlay account is an account that is set-up to handle tax abatements. He said there is an excess or surplus amount in this account and this article is requesting that the surplus sum of \$19,780.98 go into two areas; \$13,692.58 to the FY2009 Overlay Account and, \$6,088.40 to the FY2013 Operating Budget, Unclassified – Short Term Interest.

The Board discussed Article 14, Approve/Fund Collective Bargaining Agreements. Mr. Gorecki said the Board is currently negotiating with Mass Coalition Police, Local 201 and this article is to fund that agreement. Mr. Stevenson said we should have this article on the warrant to fund this upcoming agreement.

Article 15 Fiscal Year 2014 Transfer of Free Cash to Support Operating budget was discussed. Mr. Gorecki said this amount is to support the debt service.

The Board discussed Article 23 Change Town Clerk from elected to appointed. Mr. Gorecki said the Board removed this Article from the Warrant because of the many Townspeople who came in and voiced their opinion. They wanted the Town Clerk's position to remain an elected position.

Article 24 CPA Annual Authorization was discussed by the Board. Mr. Gorecki said he has not seen the list of items the Community Preservation Committee has chosen to fund this year. Mr. Stevenson said it is important to have the amounts of these items and the distribution into various buckets in the warrant book.

The Board discussed Article 29 and Article 30. Mr. Gorecki said both Articles refer to a medical marijuana moratorium. He said the first article states that we are going to set up a commission to study where within the Town we would want to have this sited. Mr. Gorecki said the second article refers to having a drug and pharmaceutical center in the Town center.

Mr. Williams said he was against these two articles because he feels they are based on fear. Mr. Gorecki said this about placing a moratorium on this for one year to allow this matter to be studied. He said he was in favor of studying this first and to be pro-active.

Mr. Scavongelli said he does not look at this as fear.

Mr. Stevenson said the current bylaw allows for drug and pharmaceutical sales in the business district other than the Carlisle Center Business District. That would include 1 River Road, Kimball Farm, and the Repair Shop.

Mr. Scavongelli said if we put these two bylaws on the warrant then we will have some time to consider our options.

Mr. Williams said he feels we are worrying needlessly because there has been so much misinformation about this matter.

The Board decided not to put Article 29 and Article 30 on the Annual Town Meeting Warrant.

On a motion by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to include in the Warrant for the Annual Town Meeting dated April 29, 2013 articles that were presented tonight in the draft dated 3/12/2013 - 13, 14, 15, and 24 and modified Article 15 to include the words 'debt service'.

On a motion made by Mr. Stevenson and seconded by Mr. Scavongelli, it was unanimously **VOTED** to include on the Annual Town Meeting and Annual Town Election Warrant a question relative to the election of officers of the Town as noted on the draft presented to us on 3/12/2013, this is relative to the Town Election to be held on May 7, 2013.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to close the Warrant for the Annual Town Meeting and Town Election for 2013.

### **New Business**

On a motion made by Mr. Williams and seconded by Mr. Scavongelli, it was unanimously **VOTED** to appoint Andy Martin, Larry Barton, Michael Bishop and John Williams to the Investment Advisory Committee for a three year term that will end on June 30, 2015.

Mr. Hult asked if the Guest House bylaw could be placed on a future agenda for discussion.

Mr. Hult said he prepared a letter to Dr. Edward Bouquillon, Superintendent of the Minuteman Regional School. Mr. Hult discussed the contents of the letter (attached hereto) noting that a copy of the letter will be sent to all of the Board of Selectmen of Member Towns.

On a motion made by Mr. Stevenson and seconded by Mr. Williams it was unanimously **VOTED** to authorize the Chairman to sign the letter to the Superintendent of the Minuteman Regional School District, said letter to be substantially in the form prepared by Selectman Tim Hult and dated March 12, 2013.

#### **Liaison Reports**

Mr. Williams said the Police negotiations are going well and two future meetings have been scheduled. He was hopeful that an agreement could be in place before Town Meeting.

Mr. Hult said the first meeting of Screening Committee for the Superintendent will be held tomorrow at the Carlisle Public School.

Mr. Williams said the ground breaking ceremony at Benfield will be held on May 6<sup>th</sup> at 11:00 a.m.

#### **Town Administrator Report (continued)**

Mr. Goddard informed the Board that an Eagle Scout ceremony will be held on April 6<sup>th</sup> at 2:00 p.m. at the Carlisle School Auditorium to honor Patrick Bourque and Robert Hitchner on their achievements. He said Proclamations congratulating these Eagle Scouts will be prepared.

#### **Minutes**

The Minutes to the Board of Selectmen meeting of February 26, 2013 were approved with one amendment.

The meeting adjourned at 10:25 p.m.

Respectfully submitted by Margaret Arena